

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JUNE 5, 2003
8:15 A.M.**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Bob Workman
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:19 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MAY 29, 2003 AND MINUTES OF DEPARTMENTAL BUDGET HEARINGS OF THURSDAY, MAY 29, 2003

MOTION: Workman moved and Schorr seconded approval of the Staff Meeting minutes of May 29, 2003 and minutes of the Departmental Budget Hearings of May 29, 2003. Stevens, Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Invitation to Drug Court Evaluation Conference in Omaha, Nebraska (June 9, 2003)

MOTION: Workman moved and Stevens seconded approval of the addition to the agenda. Stevens, Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

Hudkins arrived at 8:25 a.m.

3 COMMISSIONER MEETING REPORTS

A. Nebraska Agriculture Relations Council - Hudkins

Hudkins said the group is working to bring agriculture related conventions back to Lincoln.

B. Families First & Foremost (F³) Conveners Group - Schorr

Schorr reported on the discrepancy in the F³ Grant balance and said Sheryl Schrepf, F³ Director, is making budget cuts in response to the shortage.

C. Lincoln-Lancaster County Ecological Advisory Committee - Heier

Heier said concerns were raised regarding mosquitos in the saline wetlands and the Agriculture Conservation Reserve Program in relation to the wetlands. Tall grass prairies were also discussed.

D. Lincoln Partnership for Economic Development (LPED) Investors - Heier

Heier said the Mayor reported on employment statistics and sales tax revenues.

E. General Assistance Monitoring Committee - Stevens, Schorr

Schorr said discussion focused on escalating pharmacy costs.

F. Air Pollution Control Advisory Board - Hudkins

No report.

G. Monthly Meeting with Mayor - Heier, Stevens

Heier and Stevens reported that discussion focused on Planning Commission appointments, jail reimbursement, Hometown Security financing, "cruiser therapy" (crisis intervention) and the People's Health Clinic.

H. Hometown Security Study Committee - Hudkins

Hudkins reported the following recommendations: 1) Institute a \$0.50 surcharge on land lines; 2) Establish a firemen ratio of 1.3 per thousand; and 3) Request that the County Board provide oversight and staffing for a radio emergency system for Lincoln/Lancaster County.

ACTION ITEMS

B. Department of Homeland Security Grant Application

Doug Ahlberg, Emergency Management Director, reported receipt of a Homeland Security Grant application in the amount of \$312,562 and said submission of a narrative letter and equipment budget sheet are required.

MOTION: Stevens moved and Hudkins seconded to authorize Doug Ahlberg, Emergency Management Director, to draft the narrative letter, with signature by Ahlberg and the County Board Chair. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

Gwen Thorpe, Deputy Chief Administrative Officer, distributed a draft press release (Exhibit A).

- 4 COURT APPOINTED SPECIAL ADVOCATES (CASA)** - Deb Van Dyke-Ries, Lancaster County CASA Director; Paige Beard, State CASA Director; Anne Fulks, Volunteer Coordinator; Jodi Nelson, Chief Deputy County Attorney for Juvenile Division; Lori Griggs, Chief Juvenile Probation Officer; Kit Boesch, Human Services Administrator; Gary Lacey, County Attorney; Rich Bollerup, Local Attorney

Deb Van Dyke-Ries, Lancaster County CASA Director, gave an overview of the CASA Program.

Speaking in support of the Lancaster CASA Program were Jodi Nelson, Chief Deputy County Attorney for Juvenile Division; Lori Griggs, Chief Juvenile Probation Officer; Kit Boesch, Human Services Administrator; Gary Lacey, County Attorney; and Rich Bollerup, a local attorney.

Heier noted that Lancaster CASA has asked the County to provide funding in the amount of \$30,000 and reminded the Board that it made a funding commitment in 1999 to provide financial support for the program at the expiration of the grant.

Boesch said 2001 LB 640 funds and the Joint Budget Committee (JBC) may be able to assist with funding of the request (\$10,000 each).

Stevens asked whether Keno Prevention Funds could also serve as a funding source.

Boesch explained that Keno Prevention Funds are to be used for primary prevention and said the families that CASA serves are already in the system.

MOTION: Hudkins moved and Workman seconded to: 1) Direct the Budget and Fiscal Officer to include \$30,000 in the budget for Lancaster CASA; and 2) Ask the Joint Budget Committee (JBC) members to try to secure funds for the program.

Stevens said he would prefer that funding be through the JBC process. He also questioned whether the existing grants are sustainable.

Van Dyke-Ries said expansion grants are available through National CASA. She said she believes a number of the grants will be continued and said a Resource Development Committee is actively looking at fundraising opportunities.

ON CALL: Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

5 PROMOTION OF TOM FOX AND SHELLIE SAYERS FROM ATTORNEY I TO ATTORNEY II - Gary Lacey, County Attorney

Gary Lacey, County Attorney, asked that Tom Fox and Shellie Sayers be promoted from Attorney I to Attorney II.

The Board will take action on the request at the June 10, 2003 Board of Commissioners Meeting.

6 LABOR NEGOTIATIONS - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager; Diane Staab, Deputy County Attorney

MOTION: Workman moved and Hudkins seconded to enter Executive Session at 9:15 a.m. for discussion of labor negotiations and pending litigation. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

MOTION: Workman moved and Stevens seconded to exit Executive Session at 10:04 a.m. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

7 PENDING LITIGATION - Doug Cyr, Deputy County Attorney

See Item 6.

8 RENEWAL OF PENSION PLAN AND CONSOLIDATION OF DEFERRED COMPENSATION PROGRAMS

Heier asked whether the bargaining units held meetings with their membership to discussed the proposed pension plan.

Melvin Moore, American Federation of State, County & Municipal Employees (AFSCME) President, appeared and said that due to an oversight, the Personnel Department only sent notices to AFSCME employees with 457 Deferred Compensation Plans. He said there are dramatic changes in other areas of the plan and said notices should have been sent to all of the membership.

In response to a question from Schorr, Moore estimated that 25 employees attended the first meeting, with slighter attendance at the second meeting.

Hudkins remarked that the changes impact all employees.

Dave Kroeker, Budget and Fiscal Officer, said the Pension Review Committee is comprised of representatives of all of the groups and said discussion of the proposed pension plan has taken place over several months. He said committee members that were not in attendance received copies of the minutes and should have disseminated the information to their groups.

Georgia Glass, Personnel Director, appeared and said the notices were sent out via interoffice mail on June 2, 2003 to the 75 AFSCME employees currently participating in 457 Deferred Compensation Plans through Hartford and Nationwide Retirement Solutions (NRS). She said the Fraternal Order of Police (FOP) Lodge #29 held a separate meeting, but said she was not involved in that meeting.

Heier said the Board had given the bargaining units two weeks to hold meetings with their membership and had assumed that notices would have gone out right away.

Moore said he doesn't believe NRS would be harmed by allowing a choice in 457 Deferred Compensation Plans and said the majority of employees he has spoken to are willing to give up NRS's guaranteed return on investment in exchange for choice and service. He said AFSCME also objects to reducing the number of investment choices.

Heier noted that the Board was also contacted by an employee at the Lancaster County Juvenile Detention Center who objects to the proposed changes.

Gary Young, representing AFSCME Local #2468 and FOP Lodge #29, appeared and said time constraints made notification difficult. and said the statement that employees had notification through the Pension Review Committee is "fiction". He said the Pension Review Committee decided to make recommendations to the Board in spite of the objections of the AFSCME and FOP representatives.

In response to a question from Stevens, Young said it is not necessary for the unions to get a membership vote on every issue that comes up. He added that everyone who attended the meetings objected to the proposed pension plan.

Terry Wagner, Lancaster County Sheriff, appeared and said service and the ability for employees to invest 457 funds however they choose are key.

Doug Cyr, Pension Review Committee, appeared and said there is an assumption that a decision has been made to "wall off" future contributions to Hartford. He said the Pension Review Committee's recommendation that there be one 457 Deferred Compensation Plan provider was made with the understanding that the County would not receive the benefits to the Pension Plan or the 457 Deferred Compensation Plan without the consolidation of investments and elimination of the Hartford 457 Deferred Compensation Plan. Cyr said he has asked Rod Crane, Pension Consultant, to ask NRS whether elimination of the Hartford 457 Deferred Compensation Plan is a "deal killer" and said he does not know whether Crane has posed that question or whether a response has been received. He said he believes that information is germane to the decision making process.

Kerry Eagan, Chief Administrative Officer, said the 457 is not a "deal breaker", rather a "sweetener". He said he relayed concerns regarding elimination of the Hartford 457 Deferred Compensation Plan to Crane in a recent phone conversation and Crane indicated that NRS may be amenable to "walling off" new contributions and allowing those enrolled to continue their contributions, but has not approached NRS as there has not been direction from the Board.

Hudkins said he recently learned that a number of governmental entities have more than one 457 Deferred Compensation provider.

MOTION: Schorr moved and Hudkins seconded to defer action on the proposed pension plan for one week to obtain information from Rod Crane, Pension Consultant, regarding the impact to the contract with Nationwide Retirement Solutions (NRS) if the Hartford 457 Deferred Compensation Plan is retained entirely and with the following scenarios: 1) "Wall off" contributions; 2) Allow existing contributors to continue to contribute to the plan; and 3) Allow new enrollment and contributions.

Eagan noted that Aetna is the third 457 Deferred Compensation Plan provider, although there are no active contributors to that plan.

Moore said AFSCME has no problem with dropping the Aetna Plan.

ON CALL: Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

The Board asked Eagan to keep Young involved.

Also in attendance were Bill Thoreson, Terry Adams and Trish Owen, Pension Review Committee; Judy Foote, Employees Advisory Team (EAT) Chair; Diane Staab, Deputy County Attorney; Lori Kelch and Patricia Wink, AFSCME Local #2468; Larry Worrell, County Surveyor; and Mike Thurber, Corrections Director.

9 MICROCOMPUTER UPGRADES FOR ASSESSOR/REGISTER OF DEEDS - Norm Agena, County Assessor/Register of Deeds; Rob Ogden, Chief Field Deputy Assessor/Register of Deeds

Rob Ogden, Chief Field Deputy Assessor/Register of Deeds, asked that a Fiscal Year 2004 budget request for 20 computers, a color printer and 10 ArcView (GIS mapping software) licenses be moved forward to this year's budget (\$50,876).

Dave Kroeker, Budget and Fiscal Officer, disseminated copies of Microcomputer Purchases from Microcomputer Fund and a summary of microcomputer requests for Fiscal Year 2004 (Exhibit B).

Board consensus was to hold the request and discuss it further with Doug Thomas, Information Services Director, at his departmental budget hearing later in the day.

10 COUNTY SPECIAL PERMIT NO. 202, TEMPORARY MOBILE HOME AT SOUTHWEST 84TH STREET AND WEST PIONEERS BOULEVARD - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, gave an overview of County Special Permit No. 202, a request for authority to locate a temporary mobile home as a second residence for health reasons on property at Southwest 84th Street and West Pioneers Boulevard (Exhibit C). He said the permit will be automatically renewable upon re-certification with the Building and Safety Department.

Workman and Hudkins indicated that they would like to see requirements for tie-down and skirting.

Hudkins said he believes there should be annual review by the Board for permits in this category.

The Board asked DeKalb to draft appropriate language.

ADMINISTRATIVE OFFICER REPORT

- B. Letter from Lancaster County Agricultural Society Regarding Application for Fill Permit

Mike DeKalb, Planning Department, explained that floodplain fill permits are issued by the Building and Safety Department .

Board consensus was to seek additional information from Dale Stertz, Building and Safety, and Charles Willnerd, Lancaster County Agricultural Society.

- 11 PRAIRIELAND DAIRY ROAD CROSSING REQUEST (PELLA ROAD BETWEEN 120TH & 134TH STREETS) - Larry Worrell, County Surveyor; Dan Rice, Prairieland Dairy, LLC**

Larry Worrell, County Surveyor, said Prairieland Dairy, LLC has decided to install a large culvert under Pella Road to serve as a cattle crossing.

- 12 REFUND POLICY FOR CLERICAL ERRORS UNDER NEBRASKA REVISED STATUTE §77-1734.01 (CUM. SUPPLEMENT 2002) - Norm Agena, County Assessor/Register of Deeds; Mike Thew, Chief Deputy County Attorney**

The Chair noted that the item is intended to be a continuation of discussion at the June 3, 2003 Board of Commissioner Meeting regarding requests for refund of real estate taxes filed by Cathy Cornell, Mary Widmeyer and Jeanne C. Robare.

Norm Agena, County Assessor/Register of Deeds, said he recently established a policy to address real and personal property refund requests because he believed refund requests were circumventing the property valuation protest process. He referred to Nebraska Revised Statute §77-1734.01 which addresses the procedure to address tax paid as a result of clerical error, misunderstanding, or mistake, and pointed out the last sentence which states:

This section may not be used to challenge the valuation of property, the equalization of property, or the constitutionality of a tax.

Agena said the property owners in question had received valuation increase notices in the past and evidently believed that they were at, or below, market value because they elected not to file protests, even though the property description information was inaccurate. He said allowing them to seek refunds in this manner essentially allows them to file protests without evidence of what the value should have been.

Mike Thew, Chief Deputy County Attorney, said his office has held that the language in Nebraska Revised Statute §77-1734.01 prohibits the Board from using this procedure to change values.

Agena explained that valuations are based on a market, rather than a cost approach and said it is difficult to recreate a value.

In response to a question from Schorr, Thew said the definition of clerical error does not apply to these particular situations.

Harry Widmeyer, Mary Widmeyer and Cathy Cornell appeared and presented their assessment notices (Exhibits D & E).

Thew said the assessment notices list the market value and said the property owners should have protested if they thought their values were too high.

H. Widmeyer said he might have questioned the market value had he realized the property description information was inaccurate.

Thew said the issue is not whether all of the property description information on the printout is correct, but whether the fair market value is correct.

H. Widmeyer said the comparables that were used reflected the inaccuracies.

Agena said that could be addressed through the referee system, if a protest is filed.

H. Widmeyer said he believes the law is vague and that the decision is up to the Board.

M. Widmeyer asked whether refunds have been granted in the past.

Hudkins said yes, but explained that the law has changed.

Thew said statutory changes would have to come through the Legislature.

Heier suggested that the property owners appeal through the Tax Equalization and Review Commission (TERC).

Workman exited the meeting at 11:40 a.m.

13 ACTION ITEMS

- A. Request from Families First & Foremost (F³) for Advance of Travel Funds for System of Care Conference in Portland, Oregon

MOTION: Schorr moved and Stevens seconded approval. Hudkins, Stevens, Heier and Schorr voted aye. Workman was absent from voting. Motion carried.

- B. Department of Homeland Security Grant Application

Item moved forward on the agenda.

- C. Request from Community Mental Health Center to Hire Mental Health Program Manager

Hudkins said there has been another key resignation at the Community Mental Health Center and said the director may want to reconfigure staffing.

MOTION: Stevens moved and Hudkins seconded to direct Kerry Eagan, Chief Administrative Officer, to verify whether the Program Manager will be responsible for administration of the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant and if so, to authorize the hiring. Schorr, Heier, Stevens and Hudkins voted aye. Workman was absent from voting. Motion carried.

- D. Ratification of a Mini-Grant Contract Between the Lancaster County Sheriff's Department and Nebraska Office of Highway Safety for the Purpose of Reimbursement of Expenses for Scott Gaston and Aaron Crooks (\$1,553)

MOTION: Schorr moved and Stevens seconded approval. Hudkins, Stevens Heier and Schorr voted aye. Workman was absent from voting. Motion carried.

14 ADMINISTRATIVE OFFICER REPORT

- A. Election Commissioner and Deputy Election Commissioner Salaries

Eagan presented a recommendation from the Election Commissioner to set the Deputy Election Commissioner's salary at \$37,908, noting that the position is 4/5 time (Exhibit F).

MOTION: Schorr moved and Hudkins seconded to direct Kerry Eagan, Chief Administrative Officer, to prepare a resolution to set the salary for the Deputy Election Commissioner. Hudkins, Stevens, Heier and Schorr voted aye. Workman was absent from voting. Motion carried.

- B. Letter from Lancaster County Agricultural Society Regarding Application for Fill Permit

Item moved forward on the agenda.

- C. County Management Team Meeting (June 12, 2003)

Board consensus was to hold the meeting, as scheduled.

- D. Staff Meeting on July 3, 2003

Board consensus was to cancel the meeting.

ADDITIONS TO THE AGENDA

- A. Invitation to Drug Court Evaluation Conference in Omaha, Nebraska (June 9, 2003)

Heier indicated plans to attend the conference.

RETURNING TO RENEWAL OF PENSION PLAN AND CONSOLIDATION OF DEFERRED COMPENSATION PROGRAMS

Eagan noted that the Board has not discussed the remainder of the Pension Review Committee's recommendations.

Eagan also reported that he contacted Rod Crane, Pension Plan Consultant, following a decision at the May 22, 2003 Staff Meeting to delay action on the pension plan proposal and said that conversation was the first time he heard Crane suggest that the County ask Nationwide Retirement Solutions (NRS) to allow contributions to the Hartford 457 Deferred Compensation Plan to continue. He said that suggestion was never discussed at the Pension Review Committee level and said he did not authorize Crane to proceed with the suggestion because the Board had not authorized doing so.

15 ADJOURNMENT

MOTION: Hudkins moved and Stevens seconded to adjourn the meeting at 12:06 p.m. Hudkins, Stevens, Heier and Schorr voted aye. Workman was absent from voting. Motion carried.

Bruce Medcalf
County Clerk